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From the Cold War to the War on Terror: Affecting 1st Amendment Rights in America

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Affecting 1st Amendment Rights in America**

by

Jo A. Zambito
January 2010

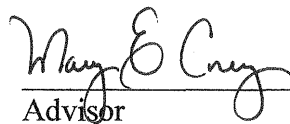
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Master of Science in Education

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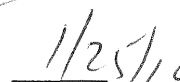
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The Cold War's Effect on
First Amendment Freedoms

Jo A. Zambito
Education 670
Dr. Mary Corey
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There are many ways in which the Cold War era affected the First Amendment rights and freedoms of American citizens. One of the main areas affected during the post-WWII era were the freedoms of speech and press. Censorship during the Second Red Scare was a very common occurrence. Due to fears of communism at home and espionage from abroad, many people were silenced in both their speech and writing. This was a time period of great mistrust, not just between “us and them” but at home as well. Americans had to be very cautious in both their speech and their actions in order to stay out of the suspicious eye of the government. Senator Joseph McCarthy’s tirade against communism at home helped to spread these sentiments into mainstream ways of thinking. As John Neville said, “Although it was many things, the Cold War was certainly not an age of political reason.”¹

The government was more involved than ever in areas of the private sector, especially any form of the media. A main goal of their new foothold into the media was to control and monitor the output to the American public. Another reason for the governmental presence in various forms of the media was to root out any potential Communists operating from within the United States. The time period has been categorized as a “phobic overreaction in the late 1940’s and the 1950’s” to the communist threat within America.² Some people contend that since the United States could not win the Cold War abroad in countries such as Vietnam and Korea, there was still hope for the Cold War to be won at home.

¹ John F. Neville, *“The Press, the Rosenbergs and the Cold War.”* Westport, Connecticut. Praeger Press, 1995.

² Stephen U. Whitfield, *“The Culture of the Cold War.”* Baltimore. John Hopkins University Press, 1991. pg. 3.

The state was involved in restricting First Amendment rights during this time period; however, they were operating with popular approval. This seems to be very ironic considering how much the average American covets their personal liberties. Life, Liberty and the Pursuit of Happiness (property) is the usual battle-cry when it comes to issues concerning the government restricting rights of citizens, however, not as much during the Cold War era. The government barged into areas it did not belong and “corrupted the sphere of expression that the First Amendment was designed to protect.”³ Some of the worst offenders during this time period included: The House on Un-American Activities Committee (HUAC), the Subcommittee on Investigations of the Senate Committee on Government Operations, Senate Internal Security Committee and the Federal Bureau of Investigations (FBI). What ultimately happened during this time period was the United States became a political system with totalitarian tendencies, the exact system we were attempting to fight.⁴ The ultimate result found from this time period is that personal freedom and expression was restricted and limited whether it was in a formal or informal manner. Facts were skewed, propaganda was wide spread and the average American may have been completely unaware. Nancy Bernhard sums it up nicely saying, “As so often happens in war, even in just war, truth was the first casualty.”⁵

The culture of the Cold War era is notably filled with tension, suspicion, and mistrust all under the illusion of a calm, harmonious, and prosperous society. Most authors on the topic do not speak of the baby-boom era of the fifties or of “Camelot”

³ Whitfield, 12.

⁴ Whitfield, 12.

⁵ Nancy E. Bernhard, *“US Television News and Cold War Propaganda: 1947-1960.”* Cambridge. Cambridge University Press, 1999. pg. 2.

of the sixties, rather they write about how the culture of the post-war era corroded many of the values and liberties our country was founded on. According to Jon Lance Bacon when studying domesticity during the Cold War era one will find that attention is brought to the propaganda value of the suburban home filled with consumer goods. The affluent nuclear family demonstrated superiority of the “American way.” By ensuring moral strength of the nation, family stability would prevent the Communists from subverting that way of life.⁶ Bacon is alluding to the fact that some propaganda campaigns used the idea and the picturesque image of American life to fend off any threat of invasion of communist rhetoric. Another example of this is the inclusion of the phrase “one nation under God” into the pledge to the flag in 1954. This addition was created to show the difference between the free world and the communist world because they could not claim one nation under God with the state practice of suppression of religion.⁷

Popular culture of the time period justified the trampling of democratic values and constitutional ideals because of the supposed “enemy within.” What many were going for was ultimately a cultural assault on communism. American Communists were considered to be the enemies of civil liberties. Whitfield refers to them as “Stalinists” instead of Communists in order to drive this point home. The government and the American public went about picking and choosing who was to enjoy their basic rights based on their beliefs. The rights of American Communists were often infringed upon with little or no repercussion, it was thought that “because their commitment to civil liberties was so fraudulent, American Communists earned

⁶ Jon Lance Bacon, *“Flannery O’Connor and Cold War Culture.”* Cambridge. Cambridge University Press, 1993. pg. 42.

⁷ Whitfield, 89.

little sympathy when their rights were unfairly withdrawn.... Thus they bore some responsibility for the suppression they endured.”⁸ This mentality of ‘blame the victim’ was common during this era. On the topic, Peter Knight contends, “The panic-stricken rhetoric of conspiracy has often been sufficient to mobilize support for serious state action, even the significant abridgement of individual freedoms.”⁹

The movement against American Communists in the culture of the Cold War is rather ironic. People were trying to restrict and remove rights from people that did not agree with the accepted rhetoric of the time, this is extraordinary similar to the manner in which a totalitarian dictatorship operates. The cost society paid to do away with domestic communism was not equal to the real threat Communists in America actually posed. This campaign against American Communists flawed the image of democracy and weakened the promise of civil liberties. According to Whitfield, “this Red Scare was not a collective tragedy, but it was a disgrace.”¹⁰ The American Communist’s right to have rights was in danger. Political opportunities, freedom of movement, chance of employment were all withdrawn from them or hindered. Eisenhower’s 1954 State of the Union Address suggested taking away their citizenship and a poll showed that eighty percent of the populace agreed with the suggestion!¹¹ That statistic alone speaks very loud for the cultural sentiments of the era.

There was legislation created specifically aiming to do away with communism in America. The Smith Act was a sedition act geared to politically eliminate

⁸ Whitfield, 3.

⁹ Peter Knight, “*Conspiracy Nation: The Politics of Paranoia in Postwar America*.” New York. New York University Press, 2002. pg. 59.

¹⁰ Whitfield, 4.

¹¹ Whitfield, 14.

Communists in our country. The idea was that traditional civil liberties would be safe by denying them to the conspirational movement that worked to destroy them. In 1950 Congress passed the International Security Act which established concentration camps in Pennsylvania, Florida, Oklahoma, California, and two in Arizona.¹² The extent to which these camps were ever used was not mentioned, however, the simple creation of them screams totalitarianism and indoctrination of the masses. When the “detention” camps were closed in 1956 by the Federal Bureau of Prisons, J. Edgar Hoover complained about growing public complacency towards the domestic threat of subversion.¹³

In Hoover’s view, the worst part about the manner in which Communists were trained was that they were taught to remove all “undigested lumps of independence” in the name of ruthless uniformity.¹⁴ This can be considered paradoxical because Hoover dedicated his entire career to ousting deviants in order to preserve ruthless uniformity in American politics. The Loss of Citizenship Act of 1954 added further penalties for sedition that were set forth by the Smith Act. However in 1956, *Pennsylvania v Nelson* which was tried by the Warren Court, brought an end to prosecutions for sedition. The court upheld and recognized the civil liberties of the Communists in America. Chief Justice Warren wanted to uphold the civil liberties of the Communists and in casual conversation with Eisenhower years later he asked what Eisenhower would have done in his shoes, the reply was “I would kill the sons

¹² Whitfield, 49.

¹³ Whitfield, 50.

¹⁴ Knight, 75.

of bitches.”¹⁵ Clearly, President Eisenhower was not as interested in civil rights and liberties for all Americans as he was in eliminating the communist threat at home.

The public and private sectors of many businesses and industries became confused and lines were blurred during the post-war time period. Network television was “born” at the beginning of the Cold War period. In theory, when going toe to toe with communism the United States cherished freedom of information, thinking, speaking, writing, publishing and broadcasting as a fundamental value to be protected from totalitarianism. Most people saw capitalist news reporting as a much better alternative than Soviet enforced state ideology. Nancy Bernhard’s book, *US Television News and Cold War Propaganda*, details the partnership between the government and the network news producers during this time period. Bernhard concludes that there was a definite collaboration between the networks and the government, yet they were selling it as American freedom was the absence of governmental control.¹⁶ From 1948 to 1985, the government played the role of co-producers of the news, after 1954 they stepped back from this role but they were not completely out of the picture. The networks were being used to indoctrinate the American public to support US Cold War policies and public service programming became the distribution channel for federal propaganda.¹⁷ Again, a comparison can be drawn between the way in which the US government was attaining its goals and the manner in which a communist society operates.

A large factor in helping to prevent communist ideology from spreading throughout the United States was finding the communists from within. The group

¹⁵ Whitfield, 51.

¹⁶ Bernhard, 2.

¹⁷ Bernhard, 2.

that spearheaded this movement was the House Committee on Un-American Activities (HUAC). The main function of HUAC was to interrogate people such as musicians and actors about their beliefs. HUAC critiqued teachers and professors on their political ideals instead of their academics. It was a commonly accepted thought in HUAC that if people did not take a stance against communism, they were to be immediately suspected of being for it. HUAC's John Rankin called Hollywood "the greatest hotbed of subversive activities in the United States."¹⁸ Hollywood began carefully monitoring the political and economic signals it sent its audiences.

HUAC opened its famous Hollywood hearings on October 20, 1947. Four days later on October 24th, fifty Hollywood directors, writers, and actors-including Humphrey Bogart- went to Washington D.C. They called themselves the Committee for the First Amendment. The group foolishly named their charter plane "Star of the Red Sea." Their intention was to express their anger with HUAC's investigation of communist infiltration into Hollywood.¹⁹ In all there were three hundred members in the Committee for the First Amendment. Prominent members included Frank Sinatra, Gene Kelly, and Groucho Marx among many others. The ultimate goal of the group was to help the "Hollywood Ten" and they even broadcasted a show called "Hollywood Fights Back." The "Hollywood Ten" were screen artists and directors who had pled the Fifth Amendment upon their accusation, this made their guilt seem definite to those that were suspicious in the first place. Citizens accused of being Communists who pled the Fifth Amendment often avoided perjury or other charges but were instead served with a pink-slip from their job or blacklisted from their

¹⁸ Whitfield, 10.

¹⁹ Michael Brown, Steven Heller, "*Red Scared! The Commie Menace in Propaganda and Popular Culture.*" San Francisco. Chronicle Books, 2001. pg. 92.

respective industry for being involved in the controversy or being considered highly suspicious. The efforts of the Committee for the First Amendment were in vain and the Hollywood Ten were sent to prison. The reputation of many involved was tainted as a result, especially Humphrey Bogart.²⁰ Bogart ended up retracting his position aligned with the views of the Hollywood Ten in an article titled "I'm No Communist" in photoplay magazine. The aim of this article was to reverse some of the negative publicity that had come his way since the Hollywood Ten had begun their campaign against McCarthyism and HUAC. HUAC was not slowed by this attempt at an uprising against them, in fact in 1951 another set of Hollywood figures were summoned to hearings before them. This case is not as popular because the people themselves were not as prominent in Hollywood as the first set, the Hollywood Ten.

A specific man and a specific movement played a large role in the government's encroachment on American civil liberties in the post-war era. Senator Joseph McCarthy's raid on America and possible Communists within created many scandals, ruined careers, and inconvenienced many to say the least. According to Robert Griffith in his book, *"The Politics of Fear: Joseph McCarthy and the Senate"* McCarthyism was a natural expression of America's political culture and a logical, albeit extreme, product of its political machinery.²¹ Griffith's thought is that McCarthy simply played on the popular fear of radicalism in the United States during the time period, he even ascertains that Americans were for denying other Americans their inherent civil liberties. On the issue Griffith states, "At home most Americans

²⁰ Brown, Heller, 92.

²¹ Robert Griffith, *"The Politics of Fear: Joseph McCarthy and the Senate."* Lexington. University Press of Kentucky, 1970. pg. 30.

avored denying freedom of speech, press, and assembly to native Communists.”²² In this era of guilt by association many Americans preferred to turn one another in rather than run the risk of being accused of being a Communist or soft on communism. Informing became the price of full citizenship, telling on others to save yourself became very common otherwise one could easily be tricked into a perjury charge based on events that happened a long time before. “Co-existence is a myth and neutrality is impossible, anyone who is not fighting communism is helping communism.”²³ McCarthyism started out as a mission intended to address the issue of communism in the government but what resulted was a much larger cultural movement produced and orchestrated by McCarthy and other governmental figures.

Senator McCarthy, the leader of the anti-Communist crusade, created hype by alleging to have lists of varying lengths of Communists in the government. McCarthy exaggerated, changed, and omitted information from cases on the communist issue to make guilt of the accused appear to be obvious. In doing this, McCarthy secured excellent coverage in the press nearly dominating the channels of mass communication during the 1950’s. “Anything the Senator said was news.”²⁴ McCarthy’s use of the press was a key tactic in the entrapment of potentially innocent Americans. McCarthy was a master manipulator of the press, most reporters did not have the time or research facilities to research his charges, and therefore what he said would be printed. If carefully orchestrated, even the most unfounded charge could generate a week of press. McCarthy even began to attack the press itself, his possible motivation could have been to control and intimidate the people in charge. It seems

²² Griffith, 30.

²³ Whitfield, 103.

²⁴ Griffith, 139.

that true freedom of the press could not be achieved during this time period if people were wary of being accused a communist.

McCarthy's intimidation of the press was not well received because many factions of the American press remained highly opposed to him. He successfully played on traditional sensitivity to freedom of the press to stir controversy and garner even more publicity for himself. Some of McCarthy's strongest critics in the press included the New York Post, the Washington Post, and Capital times.²⁵ They wrote about how much they hated McCarthy and everything that he stood for, however, regardless of what was printed these publications were still giving him the press he desired. A growing oppositional movement against McCarthy in the press eventually helped aid his downfall from "power." McCarthyism came to be classified as sinister and a "threat to the Bill of Rights" which could cause fear breeding and repression. President Eisenhower warned citizens about "reckless, un-American methods of fighting communism."²⁶

Regardless of Eisenhower's warnings, public trials and persecution of alleged Communists, spies, traitors, etc. became a powerful tool in manipulating the extent to which Americans were able to use and enjoy their First Amendment freedoms. With prominent examples such as the Hollywood Ten, the Alger Hiss case, and the Rosenbergs, citizens could see the cost and punishment seditious traitors would receive. These cases served both as a warning and rally cry for Americans as to the extent to which we must fight the communist subversion of our culture. With the Alger Hiss case and a single perjury conviction the American public was convinced

²⁵ Griffith, 142.

²⁶ Martin U. Medhurst, Robert Ivie, *"Cold War Rhetoric: Strategy, Metaphor, and Ideology."* New York. Greenwood Press, 1990. pg. 85.

that the growing Soviet threat was here in our country. According to Whitfield, “liberalism was forced onto the defensive” after the Hiss case was decided.²⁷ The conviction of Julius and Ethel Rosenberg contributed to these conclusions by the American public. After this conviction the idea was spread that anyone could be a spy. The Rosenberg case was the first case of executions for espionage when a country is at peace. This is also the time period when the term “Communists and fellow travelers” was coined. The vague term fellow travelers created a lot of trouble for many suspected of communist activity or identifying with the enemy. The term fellow travelers basically alluded to anyone who may be in agreement with Communist views or may be working towards Communist goals. It was also a convenient way for people to accuse others of wrongdoings without having to properly prove they were working for the Communist party. It was also after these cases of the Rosenbergs and the Hollywood Ten that states such as Texas made membership in the Communist Party a felony.²⁸

A large factor in the Rosenberg case going as far as it did has been attributed to the involvement of the press. According to John Neville, “the Rosenberg case might have developed quite differently had it not been for the modern phenomenon of the political crusade and a competitive sensation conscious metropolitan press.”²⁹ Neville’s book, *The Press, The Rosenbergs, and the Cold War*, examines how news coverage of the Rosenberg case was filtered through the dynamics of Cold War patriotism and manipulated by governmental agendas. The news media “gate keeping process” largely controls what people think about. In that retrospect, of course, the

²⁷ Whitfield, 31.

²⁸ Whitfield, 45.

²⁹ Neville, 6.

government wanted the Rosenberg case to be in the news. The government wanted this for multiple reasons first of which to be a warning for other spies and potential spies of the consequences of their actions and for going against the United States. Another reason to shed light on the Rosenberg case from the vantage point of the government was to stir patriotism for the US and hate for the Soviets. Neville contends that this was a “wartime government’s” attempt to “place, shape, filter, and control the press’s reporting of a single case through exploitation of fear and patriotism.”³⁰ Neville also discusses the wide use of “news quarantines” during this time period. When a news quarantine was used the government made decisions of what would and what would not be reported. This allowed the government to put a spin on the news story in whatever direction would benefit them the most.

The nation’s news media, particularly the press, served as a spring board for public and governmental reactions to the Cold War at home. The *National Guardian* claimed that the Rosenbergs were innocent victims of a governmental conspiracy. They wrote that the press was “in bed” with the government and the FBI. They reported the case from their vantage point, not that of the government. In the same article, the *National Guardian* quoted the Rosenbergs as saying that they were framed by the government with the help of the “lords of the press.”³¹ On the whole, with the exception of the *National Guardian* article, what the public read about the Rosenberg case was a prejudiced and biased version of the story designed to put them against the Rosenbergs. In 1955, Congressional testimony was given stating that the government was increasingly managing the news. According to Michael Schudson “news

³⁰ Neville, 7.

³¹ Neville, 9.

management” is a systematic attempt to influence, withhold, and sometimes distort national and international news.³² Lawyers for the Rosenbergs appealed the case on the grounds that their clients were victims of an “inflammatory” crusade because of the newspaper coverage. They also claimed that J. Edgar Hoover and other officials purposely created widespread hostility against the Rosenbergs by manipulating the press. They claimed Hoover used the press by printing stories with inaccurate headlines or exaggerated stories.³³ As we know, the Rosenberg’s sentence was not overturned, ultimately allowing the manipulation of the press to be validated and to continue.

One of the main weapons used in fighting the Cold War by both superpowers was propaganda. As a culture, Americans are conditioned to be against open propaganda distributed from the government. That is considered to be the way our “enemies” operate. Due to this, the US government had to be more secretive and creative when it came to distributing propaganda and getting their messages out to the general public. The government was not simply satisfied with getting their message out however; they also needed the people to buy in. At the height of the Cold War, the US government committed vast resources to a secret program of cultural propaganda in Western Europe. A central part of this program was to push the belief that it did not exist and the US government was not behind it. This propaganda program was managed by the Central Intelligence Agency (CIA). The CIA’s Michael Josselson ran the group called the Congress for Cultural Freedom from 1950 to 1967. The main incentive of the program was to downplay the virtues of communism and to

³² Neville, 10.

³³ Neville, 19.

push the “American Way” so that it would be well received abroad. According to Frances Saunders in his book, *“The Cultural Cold War: The CIA and the World of Arts and Letters”* people were subject to this propaganda program at home and abroad whether they were aware of it or not. He stated “Whether they liked it or not, whether they knew it or not, there were few writers, poets, artists, historians, scientists, or critics in post-war Europe whose names were not linked in some way to this covert enterprise.”³⁴ Even though this program was focused and centered on Europe, the affects spilled over into the United States in the realms of freedom of expression and press. According to Saunders, “the most effective kind of propaganda was defined as where the subject moves in the direction you desire for reasons which he believes to be his own.”³⁵ Again, the sentiment is discussed that whether one was aware or not, they were being affected by the governmental propaganda campaign through the press and media.

The Congress for Cultural Freedom coincided with the State Department’s initiative in April of 1950 to plan a “total informational effort abroad and a psychological scare campaign at home.” The State Department planned to vilify the Soviet Union in the strongest of terms.³⁶ The government could clearly not advertise their plans for a psychological scare campaign at the risk of mirroring the Soviet Union. According to Bernhard, “American devotion to freedom of thought limited the extent of domestic propaganda, but it also shaped the propaganda itself.”³⁷ The

³⁴ Frances Stonor Saunders, *“The Cultural Cold War: The CIA and the World of Arts and Letters.”* New York. New York Press, 1999. pg. 2.

³⁵ Saunders, 4.

³⁶ Kenneth Osgood, *“Total Cold War: Eisenhower’s Secret Propaganda Battle at Home and Abroad.”* Lawrence. University Press of Kansas, 2006. pg. 46.

³⁷ Bernhard, 3.

government's involvement in the propaganda campaign intended to shape American culture against the Soviets and the communist way of life remained invisible or at least uncontroversial. Anti-Communist blacklists policed the broadcasting industry to prevent secret brainwashing of the viewing public by the USSR. Again, we see the irony of the situation. Suspected leftists were fired from the industry and employees were made to take loyalty oaths. The propaganda that was being spread uncritically supported the defense and security establishments of the US government.³⁸ This was all done in an attempt to construct a Cold War consensus among the public and in the culture. The justification given for this propaganda blitzkrieg was that their lies served the ultimate interests of freedom. Bernhard contends that sometimes "they" admitted that their practices mirrored those of totalitarian methods, only dressed up for a public invested in freedom of information.³⁹

As previously stated, the American public would never tolerate open propaganda put forth from the government, this was why the government chose to use the new television networks. Networks participated and cooperated with the government agenda because their programs filled the network's schedules cheaply and always had a large audience following. The government was producing programs that were "politically safe" during this time period of the Second Red Scare. But, as the television industry grew, the networks no longer needed the government's cheap programs and the collaboration ended in the mid 1950s.⁴⁰ This certainly did not stop or even slow the government in their pursuit of a widespread propaganda campaign at home, however.

³⁸ Bernhard, 4.

³⁹ Bernhard, 4.

⁴⁰ Bernhard, 5.

Support of the government programs by the news media was the basic pattern during the early Cold War era (as opposed to the late Cold War era when things were very different). Bernhard does not seem to think this trend is exclusive to the Cold War era, she states “Truth, as always, took on the particular cast and hue of its era.”⁴¹ Upon first reaction one would not think this to be the case given the value most Americans place on the “marketplace of ideas” or the idea that all ideas and speech are valued no matter what the opinion. It is the institution or the “state” that has always posed the largest threat to this inherent idea in our culture. During the mid-1900’s the new mechanism for sifting these ideas “is the invisible hand of commercial exchange.” Commercial broadcasters volunteered to do the ideological work of the national security state at home, this made the marketplace of ideas illusion appear to still exist. Government officials began to coordinate domestic information and overseas propaganda and in this quest found willing allies in the television networks. Secretary of State, Dean Acheson, claimed that the State Department had a duty to report the facts, it was then up to the public to determine their own views.⁴² This is certainly not how the government allowed things to play out in reality. The “facts” that were actually reported were carefully selected and organized in a manner that would shape public opinion in a desired direction.

When the networks would use a governmental film a short disclaimer would flash at the end ensuring the program was intended to help Americans understand the programs overseas. These disclaimers rarely received any notice. When private films and programs were produced the State Department sent a letter saying they would

⁴¹ Bernhard, 6.

⁴² Bernhard, 70.

“lend at least moral assistance and unofficial guidance” in the production of the film.⁴³ The government was careful to only become active in a film that was friendly towards their policies and was being made by a reputable person, these terms of course decided by a person affiliated with the government. It became safer for film producers to make films that could not be accused of having any political implications at all. The propaganda arm of the government during the Cold War era was invasive and stretched far at home and abroad. To say that the freedoms of expression and press were infringed upon during this time period would be a gross understatement.

The Central Intelligence Agency also played a large role in the infringement and restriction of American First Amendment freedoms during this era. The CIA was created in 1947 and was the first peacetime intelligence agency in our nation’s history. There was however, a legacy of wartime precedents for such agencies. The CPI, Committee on Public Information, was created under Woodrow Wilson during World War I. The CPI was responsible for censorship, propaganda, and distribution of general information about the war effort throughout the war.⁴⁴ The CIA extended the CPI’s scope of duties and managed to establish the concepts of “the necessary lie” and “plausible deniability” as legitimate strategies.⁴⁵ Eventually, the CIA came to own airlines, radio stations, newspapers, insurance companies and real estate. Nobody knew where the reach of the CIA ended causing a natural public suspicion of the organization. The Bay of Pigs incident was one of the most public events bringing negative attention to the role of the CIA.

⁴³ Bernhard, 78.

⁴⁴ Osgood, 23.

⁴⁵ Saunders, 32.

The National Security Council directive gave the CIA room for a “plethora” of covert operations including propaganda, economic warfare, and preventative direct action including sabotage, anti-sabotage, demolition, and evacuation measures. All of these operations were instructed to be “so planned and executed that any US government responsibility for them is not evident.”⁴⁶ In the fall of 1947, the National Security Council approved NSC-4, a directive that called for immediate strengthening of programs designed to influence foreign opinions of the United States and the “American way.” NSC-4 directed the CIA to plan and implement covert psychological operations. The CIA, legally barred from operating in the United States, created a mass effort to stimulate Cold War morale called Crusade for Freedom. The Crusade for Freedom raised money for Radio Free Europe. It was also designed to stir patriotism at home by making the Cold War look like a fight for freedom. Slogans such as “help truth fight Communism” were used along with asking Americans to donate “freedom dollars.”⁴⁷ Ultimately during the Cold War the CIA was acting as America’s “Ministry of Culture.” They operated under the idea that the main goal was to expose the aspects of the truth that are the most useful to them in manipulating the general public. Both Saunders and Osgood focused their works on the CIA’s efforts abroad to push the American government’s agenda and propaganda, both authors are hesitant to come right out and fully address what was going on at home as a result of the CIA operations and programs.

A major cause of what has come to be considered the Second Red Scare in American was the Korean War. The Korean War intensified fears over communism

⁴⁶ Saunders, 39.

⁴⁷ Osgood, 41.

and was a large factor in creating the Second Red Scare. Eisenhower's goal was to keep morale high, especially the morale of the troops. He was very successful in manipulating the press into covering the war in a positive manner. Eisenhower used the threat of censorship to ensure that the writers who were reporting on the war towed the party line. Eisenhower also used the press to promote a positive Allied relationship. With the onset of the Korean War fears were brought about that enemies could use broadcasting signals for navigation and therefore broadcasters were subject to a federal seizure.⁴⁸ People worried that this intrusion of the government into the industry would or could be permanent.

The Korean War also posed the threat of censorship by the government in the press. Both the government and broadcasters saw this matter as a security issue, neither party wanted to disclose any information that could be useful to the enemy. These fears were rampant even though former Secretary of State Dean Rusk could "recall no disclosure of national security information by a reporter that led to serious harm to the nation."⁴⁹ High governmental command forbade criticism of command decisions or of the conduct of Allied soldiers on the battlefield in the press. According to Bernhard the common sentiment in the industry was that "American newspapermen are Americans first and newspapermen second."⁵⁰ The news industry was to go off of the model of voluntary censorship that was used in the media during World War II. General MacArthur praised the press corps restraint acknowledging their achievement of the desired balance between public information and military security during the Korean campaign. The Office of Censorship's guidelines (from

⁴⁸ Bernhard, 101.

⁴⁹ Bernhard, 105.

⁵⁰ Bernhard, 105.

World War II) left responsibility with each individual correspondent. It turned out that the idea of voluntary censorship by reporters was not practical when it came to reporting the news on Korea. Network management resorted to self censorship instead. The networks “killed” stories that made American efforts and decisions in Korea look bad. In 1958, censorship on television was referred to as “a built in allergy to unpleasant or disturbing information.”⁵¹ Television was more consistent with the needs and wants of their sponsors than with the First Amendment. Some correspondents requested formal censorship in order to have clearer guidelines and avoid charges.⁵²

The Korean War and the situation in the media is a unique aspect in the struggle for First Amendment freedoms. This was one time where people inflicted censorship on themselves and restricted their own freedom. Veteran Korean war correspondents reflected that although censorship violated their First Amendment “sensibilities” it eased the daily struggle to get their stories out under the toughest of conditions. The military was eventually handed control of media coverage on the war, they had full say over the content of most news reports. All words or parts of stories that were negative or pointed towards defeat were removed from the news reports. All print stories, broadcasts, and photographs concerning military operations would be screened in Korea or Tokyo before dispatch. In a war that was virtually fought with propaganda, good morale was held in the highest esteem even possibly

⁵¹ Whitfield, 155.

⁵² Bernhard, 108.

counted as a victory. Bernhard contends, “It is indeed a screwy world when a soldier fighting to preserve freedom of the press finds himself opposed by the press itself.”⁵³

With Cold War scenarios and situations all over the world there were other news stories beyond Korea that were censored as well. The television industry was restricted from giving out information on other dealings with other countries, for example Guatemala and China. The press downplayed and denied the Chinese Communist Revolution. CBS silenced their own reporter on when a story was to be reported on the government’s move to increase American ignorance on the Communist Revolution in China.⁵⁴ Given the potential consequences, the television industry was understandably hesitant to adopt independent perspectives that the First Amendment sanctioned.

Freedom of all types of expression was restricted during the Cold War time period. There were some areas of literature that were unaffected by the Cold War. The world of poetry was able to resist the pressures of politics for the most part. One area that did not escape censorship was the world of books. Book censorship in the post-WWII era mainly focused on adolescent or “young adult” reading materials. People who censored were often not even familiar with the texts they were censoring. Censorship is usually presented as a cultural problem because it tests the boundaries of free speech and does not really examine why or what in these texts should be censored. The two ways many works that were censored were described was “un-American” or “filthy.”⁵⁵

⁵³ Bernhard, 109.

⁵⁴ Whitfield, 161.

⁵⁵ Pamela Hunt Steinle, *In Cold Fear: The Catcher in the Rye, Censorship Controversies and Postwar American Character.* Columbus. Ohio State University Press, 2002. pg. 2.

Books became a main weapon of propaganda and libraries became dubbed “information centers.” Along with people, books also fell victim to Senator McCarthy’s rampage. Books that were written by Communists or “fellow travelers” were purged from the libraries and in some cases burned. It was estimated that over 30,000 books were burned during this time period.⁵⁶ The State Department issued strict orders banning anything controversial from the information centers. Books were removed from the shelves written by authors that refused to testify before HUAC, if the writer was overly critical of the United States, or if the author was a member of the Communist Party. Literary victims included Thomas Paine, Hellen Keller, Albert Einstien, Henry David Thoreau, Ernest Hemingway and Upton Sinclair.⁵⁷ McCarthy successfully destroyed the liberal image of the United States with his purging of American literature. To ensure that books would be written that were “acceptable” at the time the government began subsidizing authorship and distribution of books based on their content. Lists of acceptable and non-acceptable topics were put out to the libraries and the public. The idea behind this movement was that literary works should “strengthen and intensify the belief in and support for the fundamental principles which characterize a free society.”⁵⁸

Certain books and certain authors landed on the censors cutting block far more than others. One such book was J.D. Salinger’s, “*The Catcher in the Rye*.” By 1981 the book was the most frequently censored book in history and the second most frequently taught book in high schools across the country.⁵⁹ In 1983, an incomplete

⁵⁶ Osgood, 295.

⁵⁷ Osgood, 296.

⁵⁸ Osgood, 296.

⁵⁹ Steinle, 2.

survey by the American Booksellers Association listed three hundred fiction titles as subject to censorship activity along with two hundred titles “often cited as having been banned or challenged.” *The Catcher in the Rye* appeared more than any other title.⁶⁰ Steinbeck’s “*The Grapes of Wrath*” and “*Of Mice and Men*” along with Harper Lee’s “*To Kill a Mockingbird*” were also frequently taught books that were frequently censored from libraries by the government. Steinle is unable to point out exactly what makes these literary works so highly subject to censorship. She contends that one would have to examine the content of the book contrasted to the popular consensus of the time period. Steinle also does not examine why schools chose and continue to choose these works as popular texts for high school students. Steinle does state that “Catcher’ was seen as an attack on American values, an unpatriotic work that Communists would support to undermine the fundamental values of our country.”⁶¹ Texts mentioning socialism or seeming to portray socialism in a favorable light were likely to be censored during this era while some lesser known titles disappeared from shelves altogether.

The culture, politics, and economics of the Cold War all played into the dramatic manner in which First Amendment freedoms of almost all Americans were effected throughout the era. Whether the average citizen was aware of the way their world and rights changed due to the Cold War did not matter. Some efforts to restrict freedoms of American citizens were overt, some were covert missions, and others were by way of circumstance. Stephen J. Whitfield said, “But when such a standard becomes pervasive and intensive, and so potent in its effects that countless careers are

⁶⁰ Steinle, 104.

⁶¹ Steinle, 124.

ruined and the public can not make its own choices in the marketplace of ideas, then the US has come to resemble, rather uncomfortably, the sort of society to which it wishes to be contrasted.”⁶² Ultimately it seems easy to agree with Whitfield’s conclusion. The United States went so far out of its way to prevent communism at home and eradicate the Communists that may be lurking among average citizens that what resulted was a society strangely similar in practice and thought to that of enemy number one, the Soviet Union.

⁶² Whitfield, 11.

Bibliography

- Bacon, Jon Lance. *Flannery O'Connor and Cold War Culture*. Cambridge: Cambridge University Press, 1993.
- Barson, Michael. *Red Scared! The Commie Menace in Propaganda and Popular Culture*. San Francisco: Chronicle Books, 2001.
- Bernhard, Nancy E.. *US Television News and Cold War Propaganda 1947-1960*. Cambridge: Cambridge University Press, 1999.
- Beschloss, Michael. *The Crisis Years: Kennedy and Khrushchev 1960-1963*. New York: Edward Burlingame Books, 1991.
- Booker, Keith. *The Post-Utopian Imagination: American Culture in the Long 1950's*. London: Greenwood Press, 2002.
- Brinkley, Douglas. *Dean Acheson: The Cold War Years 1953-1971*. New Haven: Yale University Press, 1992.
- Dudziak, Mary. *Cold War Civil Rights: Race and the Image of American Democracy*. Princeton: Princeton University Press, 2000.
- Gaddis, John Lewis. *We Now Know: Rethinking Cold War History*. Oxford: Clarendon Press, 1997.
- Griffith, Robert. *The Politics of Fear: Joseph McCarthy and the Senate*. Lexington: University Press of Kentucky, 1970.
- Hyland, William G.. *The Cold War: Fifty Years of Conflict*. New York: Random House, 1990.
- Knight, Peter. *Conspiracy Nation: The Politics of Paranoia in Postwar America*. New York: New York University Press, 2002.
- LaFeber, Walter. *America, Russia, and the Cold War 1945-1984*. New York: Cornell University Press, 1985.
- Medhurst, Martin. *Cold War Rhetoric: Strategy, Metaphor, and Ideology*. New York: Greenwood Press, 1990.
- Neville, John F.. *The Press, the Rosenbergs, and the Cold War*. Westport: Praeger, 1995.
- Osgood, Kenneth. *Total Cold War: Eisenhower's Secret Propaganda Battle at Home and Abroad*. Lawrence : University Press of Kansas, 2006.
- Richmond, Yale. *The Cultural Exchange and the Cold War: Raising the Iron Curtain*. University Park: Pennsylvania University Press, 2003.
- Saunders, Frances Stonor. *The Cultural Cold War: The CIA and the World of Arts and Letters*. New York: The New York Press, 1999.
- Steinle, Pamela. *In Cold Fear: The Catcher in the Rye, Censorship Controversies and Postwar American Character*. Columbus: Ohio State University Press, 2002.
- Whitfield, Stephen J.. *The Culture of the Cold War*. Baltimore: John Hopkins University Press, 1991.

From the Cold War to the Patriot Act:
First Amendment Freedoms Under
Attack

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The First Amendment rights and freedoms are often infringed upon by the federal government during times of crisis and war. Having recently studied the various ways in which the Cold War era allowed for these infractions on citizens' rights, it is natural to look into how this affected our current situation in America. Our history often has a short memory and does not connect one era of panic and insecurity with another that shortly follows. It is not a secret that liberal values of civil and intellectual freedom are jeopardized during wartimes, regardless if the war is "hot" or "cold".

During the Cold War era we experienced a time of great mistrust, not only between us and the Soviets but at home as well. Americans had to be very cautious about what they said, what they did, and with whom they associated themselves in order to stay out of the suspicious eye of the government. We saw the government harness and control most forms of media ranging from radio to television and newspapers. We also saw the government take away jobs, target whole industries of workers as suspects, strip people of their rights, and in the case of the Rosenbergs punish people to death for traitorous crimes. With bleak chances of the Cold War being won abroad in such regions as Korea and Vietnam, it seemed the American government was at the very least looking to secure a victory at home. Through the venues of culture, politics, and economics the government restricted the average citizens' rights and controlled them in many ways. There are tangible direct comparisons between the restrictions placed on American citizens then and now however, it is not often that these comparisons are made and recognized.

There are many similarities that can be drawn between the reactions of the government to the threats during the Cold War and during the current “War on Terror.” One could almost say that the behavior of the government during the Cold War opened the doors and set a precedent for the erosion of American’s rights that has taken place since the September 11th attacks on our country. What we will find the is that the legislation the Bush Administration managed to pass in the immediate panic resulting from the September 11th attacks broadened the scope of infringement on civil liberties more than we as a country have ever seen before. The two specific pieces of this that have proven to be most expansive are the Patriot Act of 2001 and the Homeland Security Act of 2002. These two pieces of legislation have expanded the power of the President and the federal government to levels that are unprecedented along with being some of the most controversial legislation in history.

The main contributing factor in the expansion of the power of the executive branch in the federal government was the structure of the George W. Bush Administration. George W. Bush and his Vice President Dick Cheney did not make it any secret that they planned to respond in a strong and aggressive manner to the threats on American security after September 11th 2001. Most Americans at the time were very welcoming of this response by our executives given the nature of the attacks and crimes against our country. The 9/11 attacks provided Cheney with the perfect opportunity to expand his role and the role of the executive branch as he had wanted. It was known that Cheney was a proponent of expansive presidential power and he was quoted on this saying “If nothing else we must leave the office of the

President stronger than we found it.”¹ Cheney accomplished his goal in a way even he may not have imagined.

The Bush Administration made American security paramount to everything other objective and it seemed that they were willing to corrupt the whole country in order to save it. Bush and Cheney were seen as being stuck in the Cold War mindset, being very wary of large armed nations and now that national security topped every other concern upholding civil liberties was certainly not the on the top of the priority list. Some people blame Dick Cheney for taking a stronghold on the presidency and claim that George W. Bush was led astray by bad legal advice. Others who do not prescribe to this particular theory compare the embodiment of power for the executive to that of Mussolini in Italy in the 1930’s. Other historians have compared George W. Bush to Louis XIV in France and his motto of “I am the State.”² Regardless of how the Bush Administration is viewed and who is ultimately to blame for taking the reigns during this time of a new type of war the result remained the same. The civil liberties and First Amendment rights of Americans everywhere were challenged, stripped, and consequently limited with no end in sight.

The Bush Administration post 9/11 immediately threw the age old system of checks and balances right out the window. Checks and balances, if history classes taught us anything it is that this system was put into place for a reason and it was not to be so easily disregarded. Immediately following the September 11th attacks President Bush wanted to possess the authority to wage war against suspected terrorists anywhere, including inside of the United States. The President felt he

¹ Jane Mayer, The Dark Side: The Inside Story of How the War on Terror Turned Into A War on American Ideals. Doubleday Publishing Group. New York, 2008.

² Mayer, 71.

should be allowed to use “all necessary and appropriate force” in the fight against terrorism. President Bush did not want to have to be bothered to go through Congress to get this approval like the system of checks and balances required him to. Luckily, Senate majority leader Tom Daschel refused to add the words “in the United States” to this clause and power because he said this would have given the President a “blank check” to act however he pleased.³ Consequently the President’s lawyers dismissed the notion that Congress could limit his conduct in warfare at all, simultaneously dismissing the checks and balances put into place for Congress to do that very job. This also dismissed the Post-Vietnam War Powers Resolution that was to keep the President from engaging in military hostilities for more than ninety days without Congressional authorization.⁴

The Justice Department sent a secret memo to the President in the early months of 2002, which argued that in times of national emergency (which had been declared since 9/11 attacks) if the President decided the threat justified deploying the military inside the country the federal government could legally raid or attack dwellings where terrorists were thought to be despite risks that 3rd parties could be killed or injured by exchanges of fire. The government could also shoot down civilian airliners hijacked by terrorists and set up military checkpoints inside American cities. The government at this point was ignoring both Fourth Amendment protections against illegitimate searches and without warrants. They also ignored laws against wiretapping and other surveillance equipment aimed at American

³ Mayer, 45.

⁴ Mayer, 46.

communication.⁵ It seemed as though Bush and Cheney were the original mavericks. They took national security and the War on Terror into their own hands, handling it as they saw fit. How can it be justifiable that third party citizens can be put at risk when living inside our own country? This is not the same as a citizen living in London during World War II; of course they are at risk. This is saying that it is ok for American citizens not to be safe from government raids at home in their own country. This is simply unacceptable.

One can easily see the similarities between the 1950's Cold War paranoia and the cultural anxieties that followed the announcement of the War on Terror. The Bush Administration's policies caused the *New York Times* to point out the "eerily similar" comparisons to the McCarthy years.⁶ During the McCarthy years there were many innocent citizens accused or caught up in the government's efforts to find the "bad guys." After the September 11th 2001 attacks the American citizens experienced their government going on a similar witch hunt all over again.

The Patriot Act of 2001 put these policies that the Bush Administration was already carrying out into writing and official legislation. The name The USA Patriot Act is an acronym for The Uniting And Strengthening America By Providing Appropriate Tools Required To Intercept And Obstruct Terrorism Act of 2001.⁷ There are ten "titles" of categories of the Patriot Act granting the federal government liberties that they did not previously have or had

⁵ Mayer, 47.

⁶ **Conglomeration, New Media, and the Cultural Production of the "War on Terror."** James Castonguay, *Cinema Journal*, Vol. 43, No. 4 (Summer 2004), pp. 102-108. Published by: University of Texas Press on behalf of the Society for Cinema and Media Studies.

⁷ Section by Section Analysis of the USA Patriot Act-October 2001. Patrick Leahy, United States Senator (Vermont). Pg. 1.
http://leahy.senate.gov/press/2001_10/102401a.html

previously been taken away by other legislation. The scope of the Patriot Act is very large and includes more than what many citizens may understand.

Title I of the Patriot Act is labeled Enhancing Domestic Security Against Terrorism. In this section the Act calls for funding for Counterterrorism operations, funding for the FBI and for the Secret Service to form crime task forces. This section of the Act is expanding governmental agencies and their means to fight against terrorism. Title II is labeled Enhanced Surveillance Procedures. This is the section of the Patriot Act that allows the government free range to intercept wire, oral, and electronic communications of American citizens as they deal with the subject of terrorism. Title II allows the government to seize voicemails without warrants and subpoena the records of electronic communications of suspected citizens. Title II is the sections of the Act that allows wire taps and traces to be placed without notification on citizens' communication devices. This is probably the most well known portion of the Patriot Act and it includes the controversial "Section 215" which will be discussed later.

Title III of the Patriot Act deals with the International Money Laundering Abatement and Anti-terrorist Financing Act of 2001. Title IV deals with Protecting the Border, this section also includes enhanced immigration provisions. Title V is labeled Removing Obstacles to Investigating Terrorism. This legalizes sections of the government to offer rewards for information regarding terrorism, the disclosure of educational records, and the extension of the Secret Service jurisdiction. Title VI is Providing For Victims Of Terrorism, Public Safety Officers, and Their Families. This section of the Patriot Act came directly out of the aftermath of the 9/11 attacks

and the effects it had on the immediate victims and their families as well as the police officers, fire fighters, and other public safety officials that risked their lives in the situation.

Title VII is labeled Increased Information Sharing For Critical Infrastructure Protection. Title VIII is Strengthening the Criminal Laws Against Terrorism—this mainly creates a situation in which there is no statute of limitations when it comes to crimes of terrorism. Title IX is labeled Improved Intelligence; this section adds amendments to the National Security Act of 1947 and the Foreign Intelligence Surveillance Act of 1978. Title X is labeled Miscellaneous. This section redefines many key terms that appear throughout the Patriot Act, such as “electronic surveillance” as well as reviewing the role of the Department of Justice and Congress.⁸

The Patriot Act is very lengthy and has a massive scope in the areas in which it allows the federal government to intervene. Bush administration officials have said the Patriot Act is a foundation of their efforts to prevent terrorist attacks against Americans. At the time of the passage of the Patriot Act many Americans were simply glad that the government was taking actions, not many Americans carefully scrutinized the way in which the Bush Administration was permanently altering the relationship between the federal government and its citizens.

As time passed the reactions to the Patriot Act by US citizens varied to some degree. It is important to recognize and study the reactions of citizens to these pieces of legislation because they give us an insight to the mindset of the times. In April of 2002 the members of the Free Expression Network released a statement titled, “The

⁸ Leahy, 1-22.

USA Patriot Act Six Months Later.” The members of the Free Expression Network used this statement to consider whether or not the “erosion of legal principles and individual rights was justifiable.”⁹

It is not difficult to guess what stand the members of the “Free Expression Network” would take on a piece of legislation like the Patriot Act of 2001. The members of the Free Expression Network recognized that is an understandable aspiration for the government to protect the nation and want to bring the perpetrators of the 9/11 attacks to justice, however, they accuse the Bush Administration of doing this in ways that threaten the basis of our democracy.

The authors of this article condemned the monitoring and investigating of personal opinions and restriction of the free flow of information as well as the demonizing and punishing of dissent amongst the people. They stated that the USA Patriot Act had caused Americans not to be able to communicate freely over the Internet without fear of reprisals, not to be able to buy books they wanted to read, or to use libraries to get information they needed for one reason or another.¹⁰ These thoughts, fears, and restrictions are again very reminiscent of the McCarthy era when one could easily be accused of being a Communist or a “fellow traveler” based on the books they read and the communications they kept. The members of the Free Expression Network accused the government of keeping the drive for government secrecy in their decision making processes strong in order to keep their decisions out

⁹ The USA Patriot Act Six Months Later: A Statement by Members of the Free Expression Network. April 26, 2002. pg. 1.

<http://www.freeexpression.org/patriotstmt.htm>

¹⁰ Free Expression Network, pg. 1.

of the press and public scrutiny. Information that was previously readily available to the public was being kept at the discretion of federal agencies.

The members of the Free Expression Network also quickly pointed out that an estimated 1200 people were initially held in connection with the investigation of terrorist activity and a now undetermined number were still being held. Many were held in secrecy without disclosure of their identities or the grounds for detention.¹¹ It seems that holding citizens without charges or trial is also strictly against the Bill of Rights. This issue of detention of suspects and the manner in which they were treated is a hugely important and complex issue all on its own.

The article, the Patriot Act Six Months Later, goes on to challenge the manner in which the government managed to suppress free speech, debate, and dissent in schools, colleges and universities, and in newspapers. This is very similar to the restrictions during the Cold War, while they may not have been official, people did not want to lose their jobs or be blacklisted as a result. Six months after the passage of the Patriot Act members of the Free Expression Network were calling on officials to resist proposals that restricted the freedoms we were seeking to preserve by fighting terrorism in the first place. They asked for the “hasty” measures taken immediately after September 11, 2001 to be reconsidered and to reinstitute freedoms of speech, expression, discussion and debate claiming that these are the principles that have kept our country strong for over 200 years.¹² It is plain to look back and see that only six months after the passage of the Patriot Act citizens were aware and upset by the erosion of civil liberties in the United States.

¹¹ Free Expression Network, pg. 3.

¹² Free Expression Network, pg. 6.

In July of 2003 an article was published by the *New York Times* titled “Report on U.S. Antiterrorism Law Alleges Violations of Civil Rights.” This article by Philip Shenon details the manner in which dozens of cases against the Justice Department and its employees have been identified involving serious civil rights and civil liberties violations in conjunction with the enforcement of the sweeping federal antiterrorism laws known as the USA Patriot Act of 2001.¹³ The report put out at this time was the second in that time period from the inspector general to focus on the way the Department of Justice was carrying out their new powers of surveillance and detention of suspects granted by the Patriot Act. The article reports that many inmates, especially of the Muslim or Arab background, were harshly treated, some beaten, and most denied due process of the law. This article foreshadows the news to come about governmental torture of terrorist suspects and reminds many of the manner in which the government treated suspected communists and spies during the Cold War. Some of these issues have yet to be resolved to this day and potentially some of these prisoners have yet to be released.

In a September 2004 *New York Times* article by Julia Preston the public was made aware of a small victory for civil liberties against the Patriot Act. Preston details the manner in which a federal judge struck down an important surveillance portion of the Patriot Act by ruling that it violated the Constitution by giving the federal authorities unchecked powers to obtain private information.¹⁴ This ruling invalidated the portion of the Patriot Act that allowed the federal government to

¹³ Philip Shenon, Report on U.S. Antiterrorism Law Alleges Violations of Civil Rights, *The New York Times*, July 21, 2003. www.nytimes.com

¹⁴ Julia Preston, Judge Strikes Down Section of Patriot Act Allowing Secret Subpoenas of Internet Data, *The New York Times*, September 30, 2004. www.nytimes.com

subpoena Internet records of communications and searches. Judge Victor Marrero ruled in favor of the American Civil Liberties Union in this case stating that the legislation violated both free speech guarantees and protection against unreasonable searches.¹⁵ It seems surprising that it took almost three years for citizens and organizations such as the ACLU to find this particular clause of the Patriot Act unconstitutional. This ruling did not affect many sections of the 350 page Patriot Act but it was a small victory against Big Brother sentiment that was growing.

A December 2005 article in the *New York Times* takes a different approach and has a different reaction to the Patriot Act. Interestingly enough this article was written by Rudolph Giuliani, the former Mayor of New York City. Giuliani's article is titled "Taking Liberties with the Nation's Security" and is in response to the Senate's failure to reauthorize the USA Patriot Act. He stated that this action left key elements of the Patriot Act "in limbo" and that "Americans must use every legal and constitutional tool in their arsenal to fight terrorism and protect their lives and liberties."¹⁶ Giuliani argues that not reauthorizing sections of the Patriot Act would represent a grave potential threat to the nation's overall security. By saying this Giuliani leads the reader to believe that the Patriot Act is essential in preventing another terrorist attack on our country. This is an interesting and somewhat unique take on how the Patriot Act affects civil liberties throughout the country.

Giuliani argues that in order to uphold civil liberties the Patriot Act must continue in existence, while it seems the majority of other opinions would not agree with this sentiment. Giuliani claims that it is false that this bill does not respond to

¹⁵ Preston, NY Times, September 30, 2004.

¹⁶ Rudolph Giuliani, Taking Liberties With the Nation's Security, *The New York Times*, December 17, 2005. www.nytimes.com

concerns about civil liberties and that its main aim is for information sharing between law enforcement agencies. While this may be true, the manner in which this information is obtained goes against elements of the Bill of Rights and the sanctity of the private sector. Giuliani tries to remind citizens of why the Patriot Act was necessary in the first place, reminding the readers about 9/11 and how overwhelmingly the bill passed the first time through, arguing that an extension of the bill now is as important as passing it the first time through. Giuliani ends his article with a short line and a quick thought. "How quickly we forget."¹⁷ This seems to be an unfair statement; trying to make it appear as if you go against the Patriot Act you are doing a disservice to the memories of 9/11. This is not true at all; the people against the Patriot Act have simply recognized the manner in which the federal government, which Giuliani actively tried to be a part of in the 2008 election, has taken a stronghold over our nation in the name of national security.

In searching for articles dealing with reactions to the Patriot Act there were not many like Giuliani's that spoke favorably of the Patriot Act. In a February 2006 article titled "Another Cave-In on the Patriot Act" the bill is again attacked for its violations of civil liberties. This article chooses to focus on Section 215 of the Patriot Act. Section 215 of the bill allows the federal government to place a "gag order" which prohibits anyone that is holding financial, medical and other private records of citizens from saying anything and alerting the person when the government subpoenas these private records.¹⁸ Essentially the author of this editorial argues that this invasion of privacy is done in secret and therefore has no way of being

¹⁷ Giuliani, *New York Times*, December 5, 2005.

¹⁸ Editorial, Another Cave-In on the Patriot Act, *The New York Times*, February 11, 2006.
www.nytimes.com

challenged by anyone, especially the person whose privacy has been invaded.

Another issue with Section 215 is that it allows the government to go on “fishing expeditions” that prohibit spying on Americans with who do not have any connection to terrorism or foreign powers.¹⁹ Subpoenas for a person’s communication records were allowed as long as there was a suspicion that the information could be relevant to a terrorism investigation. This can be directly linked to the McCarthy era and the blacklists, false accusations, and general mistrust that cloud the time. It seems absurd that these types of crimes against citizenship can be allowed to happen again. Was the federal government so eager to appear to be doing everything in their power to fight terrorism that they were going after the average citizen?

In September of 2007 federal judge Victor Marrero invalidated another piece of the Patriot Act. Marrero is the same federal judge that ruled in favor of the ACLU against the Patriot Act in 2004 (article mentioned above). This time Marrero struck down “controversial parts” of the Patriot Act ruling it unconstitutional for the FBI to continue its warrantless tactics for obtaining e-mail and telephone data from private companies for counterterrorism investigations.²⁰ Marrero ruled that these secrecy provisions are “the legislative equivalent of breaking and entering, with an ominous free pass to the hijacking of constitutional values.”²¹ While this statement may seem dramatic it hits the core of the issues at hand. The government for a time had free reign to oversee public and private communications that greatly strapped and restricted the freedoms of speech, information, and press throughout this country.

¹⁹ NY Times, February 11, 2006.

²⁰ Dan Eggen, Judge Invalidates Patriot Act Provisions; FBI is Told to Halt Warrantless Tactic, *The Washington Post*. September 7, 2007. www.washingtonpost.com

²¹ Eggen, *The Washington Post*, Sept. 2007.

This lawsuit in which Marrero ruled on the side of civil liberties was again filed by the ACLU as had been the case in 2004. Anthony D. Romero who was the executive director of the ACLU was quoted on the case by saying about the ruling “is yet another setback in the Bush administration’s strategy in the war on terror and demonstrates the far-reaching efforts of this administration to use powers that are clearly unconstitutional.”²² The core of the issue ultimately responsible for the large breach in citizen’s civil liberties is the Patriot Act. We must remember however that the overarching backdrop remains the set up, the goals, and the drive of the Bush Administration to uphold the Patriot Act along with the highest amount of executive and federal power the country had known to date.

While the Patriot Act may have been one of the most controversial pieces of legislation to pass in this new era of the “War on Terror” it is certainly not the only controversial piece of new legislation from the time period. The Homeland Security Act was passed late in 2002. This act established a Department of Homeland Security as an executive department in the United States. The mission of the Department of Homeland Security included three main categories. The first aspect of the mission was to prevent terrorist attacks within the United States. The second aspect of the Department’s mission was to reduce the vulnerability of the United States to terrorism and the third was to minimize the damage and assist the recovery, from terrorist attacks that do occur within the United States.²³

When looking at these three aspects of the mission it is easy to see what a big job the Department of Homeland Security was taking on. The scope of the

²² Eggen, The Washington Post, Sept. 2007.

²³ Sect. 101. Executive Department; Mission. Homeland Security Act of 2002.
http://www.dhs.gov/xabout/laws/law_regulation_rule_0011.shtm

responsibility behind making sure terrorists never attack our country again is a large duty that nobody can clearly point out a quick fix. Instead the resolution to the problem will be lengthy and very costly. The Department of Homeland Security created a cabinet department for domestic defense; it combined twenty-two federal agencies into one which aimed at preventing another event such as 9/11 from ever happening on our soil again. The initial budget for the Homeland Security Department was \$37.5 billion.²⁴ This was a big move by the Bush Administration and was aimed at locking up our national security issues.

Secretary Colin Powell released a statement on November 19, 2002 “welcoming” the passage of this Bush legislation to create the Department of Homeland Security. Powell stated that in this highly globalized world the defense of our homeland begins beyond our borders, because of the new technology and mass communication forums terrorists and other enemies have an unprecedented amount of reach and mobility making them a larger threat than ever.²⁵ Powell comments that the society and the government must work in a partnership to keep the country safe. When looking at the Department of Homeland Security from this point of view it seemed to be necessary at the time and a smart move to make in the name of national security. I do not think that the partnership described in the statement by Colin Powell between the government and society was meant to be one of mistrust, spying, censorship, and false accusations. That scenario sounds more like the society in the former Soviet Union or the United States at points during the Cold War. It was

²⁴ Elisabeth Bumiller, David E. Sanger, Bush, As Terror Inquiry Swirls, Seeks Cabinet Post on Security. *The New York Times*, June 7, 2002. www.nytimes.com

²⁵ Secretary Colin Powell, Passage of the Homeland Security Act of 2002. US Department of State. November 19 2002. <http://www.state.gov/secretary/former/powell/remarks/2002/15293.htm>

understandable and necessary for the government to make moves and take measures to protect the nation's security after a catastrophic event such as 9/11; however, it seems that some government officials and agencies used the circumstances to further their political powers.

The day after the announcement dealing with the creation of the Homeland Security Department an article from the *New York Times* quoted President Bush as saying "I do not believe that anyone could have prevented the horror of September 11, yet we now know that thousands of trained killers are plotting to attack us, and this terrible knowledge requires us to act differently."²⁶ In this instance "to act differently" was to combine the Customs Service, the Secret Service, and the Immigration and Naturalization Service and the Coast Guard into one department; the Department of Homeland Security. In this article the creation of the new department in the government is attributed in part to the intelligence failures before September 11th.

The announcement of the Department of Homeland Security came in conjunction with new revelations about intelligence mishaps prior to September 11, 2001 that many feel would have given a clue as to the coming attacks. The intention of the Homeland Security Act is for the new department to review the reports from the CIA and the FBI in order to pick up on any threats and to not let any threats go undetected again. Critics of this new system are quoted in the article as saying "They missed it before and under this structure, there's nothing to suggest they wouldn't miss it again."²⁷ The CIA's Counterterrorism Center has been doing the exact task of

²⁶ Bumiller, Sanger, *New York Times*, June 7, 2002.

²⁷ Bumiller, Sanger, *New York Times*, June 7, 2002.

reviewing reports from the CIA and FBI since 1986, the Department of Homeland Security does not seem to have a task on its own. It has been said that they will simply be another “set of eyes and ears and minds” and that they would be a “customer” of existing intelligence agencies, they would not be doing any of their own intelligence collecting.²⁸

There were some favorable reactions to the Department of Homeland Security. Representative Jane Harman was quoted as saying “Timing is good, it would have been better nine months ago.” Representative Harman was also quoted on the issue as saying, “They’re trying to take control of this issue, and I commend them for a bold initiative.”²⁹ The idea behind Homeland Security is to have “one face at the border” instead of multiple agencies with their own agendas and ideas. Each division of the new department was to handle a different element of the country’s ability to detect an attack prior to it actually happening, if the attack succeeds that division is to organize the response.³⁰ This is a huge undertaking and like Representative Harman stated, it is good that the government is taking control and making attempts to alleviate the country of immediate terrorist threats.

What was not very positive about these new developments was that the Patriot Act of 2001 combined with the development of the Department of Homeland Security in 2002, the federal government had managed to achieve an unprecedented amount of control and reach into the everyday, private lives of American citizens. What may have seemed like necessary actions during the time filled with crisis and chaos immediately following the September 11th attacks now seem like hasty attempts to

²⁸ Bumiller, Sanger, *New York Times*, June 7, 2002.

²⁹ Bumiller, Sanger, *New York Times*, June 7, 2002.

³⁰ Bumiller, Sanger, *New York Times*, June 7, 2002.

seize control and use the opportunity for executive expansion while the government had their chance.

A very passionate editorial written by William Safire was published in the *New York Times* in November of 2002. Safire attacks the new department of Homeland Security throughout the article, urging the act to be amended before it is officially passed into law. Safire's article, titled "You Are a Suspect" immediately details the danger of allowing the federal government to create a "Total Information Awareness" file about every US citizen.

According to Safire "Every purchase you make with a credit card, every magazine subscription you buy and medical prescription you fill, every Web site you visit and e-mail you send or receive, every academic grade you receive, every bank deposit you make, every trip you book and every event you attend, all these transactions and communications will go into what the Defense Department describes as a 'virtual, centralized grand database.'"³¹ Safire describes the scenario as "Orwellian" and it certainly seems to fit the description. The government should not have access to items such as personal e-mails, bank deposits, trips, outings, etc. if they are in no way tied to illegal organizations or activities. A family of four headed off to Disney Land is hardly going to cause the next 9/11. Again, this type of situation as it was described if one had to guess where this was taking place a first guess would be the former Soviet Union, maybe Mao's China, or the United States during the height of Cold War tensions, not modern day America in the 2000's.

John Poindexter is targeted in the article for being one mainly at fault in the government's attempt to create this greater scope of control and surveillance in the

³¹ William Safire, You Are a Suspect. *New York Times*, November 14, 2002.

United States. Poindexter, who was the national security adviser under President Ronald Reagan was previously convicted of on five felony accounts of misleading Congress and making false statements in 1990 in regards to the Iran-contra scandal. An appeals court overturned the decision because Congress had given him immunity for his testimony. Safire points out that Poindexter is “at it again” with a plan even more scandalous than the Iran-contra scandal calling him the “ring-knocking master of deceit.”³² These are some heavy comparisons to make and this article by far is the most stinging critique of the legislation to create the Department of Homeland Security.

Safire contends that Poindexter is determined to break down the walls between commercial snooping and secret government intrusions by using a \$200 million dollar budget to create computer dossiers on 300 million Americans.³³ This is a very different concept than the ones laid forth in response to the September 11th attacks when government officials were promising to track suspected terrorists and those who may have affiliations with terrorist organizations. They were not promising to track and put surveillance on every American citizen. Is William Safire right? By this standard are we all assumed to be suspects of the government?

Safire discusses the apparent difference between the said policies of President Bush and the agenda of Poindexter. When running for office Bush stood in defense of privacy when it came to people’s medical, financial, and communication records. Either President Bush had changed his mind or his officials and advisors were acting in noncompliance with what he wanted for his citizens. Safire ends his passionate

³² Safire, *New York Times*, November 14, 2002.

³³ Safire, *New York Times*, November 14, 2002.

rant of an article by asserting that “knowledge is power” and that the government’s infinite knowledge about you is its power over you.³⁴ Safire is reminding the reader of his reference to an “Orwellian” state and the concept that Big Brother is watching you at all times and in every context. Safire does not want the average American to be fooled into thinking that this new legislation is for their own good and protection when he clearly believes it is solely put the benefit of the government and to further their hidden political agendas.

There were multiple replies to William Safire’s article “You are a Suspect.” One reply was published the next day in the *New York Times* titled “Homeland Security and Your Privacy.” In this article Ralph Martin contends that he rarely aggress with Safire’s point of view because Safire is a proud and established conservative, however, Martin suggests that this is not an question where you stand in terms of being a liberal or a conservative. This is a question of where you stand on the issue of citizens’ rights, liberties, and privacy.

Martin states that there must be boundaries in government oversight and it should be the American people that get to discuss and decide where these boundaries fall. Isn’t that an age old idea? No taxation without representation is an example of a phrase that comes to mind that represents this ideal perfectly. It used to be the widespread mindset throughout the country and the citizens that the government could not act without consent of the people. John Locke himself would be disgusted that we based the foundation of our country on his ideals and ideas, and this is what it has come to.

³⁴ Safire, *New York Times*, November 14, 2002.

Martin concludes his response article by stating, “Liberty and privacy are the blood and bone of our democracy. If we lose that now, then what are we fighting for?”³⁵ Martin brings up an excellent point by bringing the readers back to the original intentions behind the foundations of our democracy. Democracy by definition is a form of government in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system. In that definition the people seem to hold a lot of power, this does not seem to be the definition of democracy upheld by the George W. Bush Administration. Of course there were debates between the federalists and the anti-federalists on the extent to which the central government of this country should be allowed to control it’s citizens. It is safe to argue that even the people in favor of a strong and dominant federal government would not have foreseen the extent of that power going this far. When studying the censorship and monitoring of citizens from the Cold War era it seems extreme, to hold that standard up to the new standard that has been set makes it simply pale in comparison.

Another response was written to the William Safire article on November 15, 2002. Elaine Michetti commented on the computerized dossier on your private life that the Defense Department hoped to install through the Homeland Security Act. Michetti’s comment was that included in this file, presumably, will be every letter you write and have published in the *New York Times*. She describes this scenario as a “chilling effect on freedom of speech if there ever was one.”³⁶ This of course would not only be limited to the New York Times but rather would include every piece of

³⁵ Ralph G. Martin, Homeland Security and Your Privacy, *The New York Times*, November 15, 2002.

³⁶ Elaine Michetti, Homeland Security and Your Privacy, *The New York Times*, November 15, 2002.

public and potentially private correspondence that citizens put out there. Michetti hit the nail on the head when it came down to what these two pieces of legislation, the Patriot Act of 2001 and the Homeland Security Act of 2002; were really going to do to the state of American civil liberties.

These freedoms that have been restricted through these two pieces of legislation are freedoms that our country prides itself on. Freedom of speech and press, freedom of information, as well as the freedom to lead your life in privacy are all things that have been taken away at one point or another. The thing that makes this time different than others is that these changes seem to have somewhat of permanence to them. It will be almost impossible to go back and change things that have been altered either by the Patriot Act or Homeland Security. It would be hard to even know the difference since many times that the government is spying on a citizen, they are unaware of it to begin with. As Dick Cheney once said immediately following the September 11th attacks, "The government will have to operate on the dark side if you will."³⁷ They certainly have done so in the last seven years.

All of this evidence does not mean that it is time for American citizens to give up and put what we have left of our civil liberties up for grabs to the government. The society and the government have mended the relationship and trust between them before and it can possibly be done again. At least until next time there is a national crisis and the government decides it needs to strip citizens of freedoms all in the name of freedom itself. Citizens everywhere need to be wary of their government, especially in times of crisis and especially when the government is passing legislation "for their own good." Is it for our own good that our freedoms have been limited

³⁷ Mayer, 11.

more in the 2000's than ever before, I would have to argue no. A violation of citizens' rights by the government is not a new concept born in the 2000's. We as a country have experienced this before, most recent infraction before this one was throughout the Cold War era. How quickly our country forgot the crimes of that era, had we simply remembered and learned from that we may have collectively stood a chance against the Bush Administration, the Patriot Act of 2001 and the Homeland Security Act of 2002.

Bibliography

Bumiller Elisabeth, David E. Sanger, Bush, As Terror Inquiry Swirls, Seeks Cabinet Post on Security. *The New York Times*, June 7, 2002. www.nytimes.com

Castonguay, James. Conglomeration, New Media, and the Cultural Production of the "War on Terror." *Cinema Journal*, Vol. 43, No. 4 (Summer 2004), pp. 102-108. Published by: University of Texas Press on behalf of the Society for Cinema and Media Studies.

Editorial, Another Cave-In on the Patriot Act, *The New York Times*, February 11, 2006. www.nytimes.com

Eggen, Dan. Judge Invalidates Patriot Act Provisions; FBI is Told to Halt Warrantless Tactic, *The Washington Post*. September 7, 2007. www.washingtonpost.com

Free Expression Network, The USA Patriot Act Six Months Later: A Statement by Members of the Free Expression Network. April 26, 2002. pg. 1. <http://www.freeexpression.org/patriotstmt.htm>

Giuliani, Rudolph. Taking Liberties With the Nation's Security, *The New York Times*, December 17, 2005. www.nytimes.com

Leahy, Patrick. Section by Section Analysis of the USA Patriot Act-October 2001. Patrick Leahy, United States Senator (Vermont). Pg. 1. http://leahy.senate.gov/press/2001_10/102401a.html

Martin, Ralph D. Homeland Security and Your Privacy. *The New York Times*, November 15, 2002.

Mayer, Jane. The Dark Side: The Inside Story of How the War on Terror Turned Into A War on American Ideals. Doubleday Publishing Group. New York, 2008.

Michetti, Elaine. Homeland Security and Your Privacy, *The New York Times*, November 15, 2002.

Powell, Secretary Colin. Passage of the Homeland Security Act of 2002. US Department of State. November 19 2002. <http://www.state.gov/secretary/former/powell/remarks/2002/15293>.

Preston, Julia. Judge Strikes Down Section of Patriot Act Allowing Secret Subpoenas of Internet Data, *The New York Times*, September 30, 2004. www.nytimes.com

Safire, William. You Are a Suspect. *New York Times*, November 14, 2002.

Sect. 101. Executive Department; Mission. Homeland Security Act of 2002.
http://www.dhs.gov/xabout/laws/law_regulation_rule_0011.shtm

Shenon, Philip. Report on U.S. Antiterrorism Law Alleges Violations of Civil Rights, *The New York Times*, July 21, 2003. www.nytimes.com

From Cold War To Terror: A Virtual Teaching Valise

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Education 794
Dr. Mary Corey
Thesis: Chapter 3
Due: December 9, 2009**

Throughout my thesis project I have explored how time periods and world events have affected our First Amendment rights in America. The first chapter of my thesis specifically looked into the Cold War era and the various ways the political climate caused First Amendment rights to be abridged. The second chapter of my thesis took this idea one step further. In the next installment of my thesis I researched how the Cold War era created a bridge for the government to infringe on citizens First Amendment rights in the 2000's amidst the crisis of September 11, 2001. Within this topic I specifically looked into the Patriot Act of 2001 and the Homeland Security Act of 2002 and how both of these pieces of legislation affected First Amendment rights in America. I have found this to be a very interesting and important topic and I wanted to find a way to give my colleagues access to my findings.

Due to this desire to share my findings with a larger community of educators I chose to create a "virtual teaching valise" for the third installment of my thesis project. In creating this "valise" I wanted to give people a chance to find many different resources revolving around my topic in one place. With this idea in mind, I created a website that can be accessed very easily at

<http://sites.google.com/site/fromcoldwartoterror/> (A hard copy of the home page is

attached) On this website educators can find links to both chapters of my original research as well as the bibliographies of sources that go along with the chapters.

There are also links to video clips that discuss some of the main topics found in the research. Also on the webpage, there is a list of additional and related reading materials for people who have a further interest in the topic. (A hard copy of this list is also attached) Another resource that can be located on my website would be lesson

plan ideas that can help educators teach and share these ideas with students. In each of these lesson plans described below, teachers can use various parts of my research and resources found on the webpage to teach about the topic at hand.

The first lesson included on the website is geared to have teachers help students explore what the First Amendment is. (A hard copy of each lesson plan is attached.) This topic meets NYS U.S. History Curriculum Standard, Unit Two Constitutional Foundations for the States Democratic Republic, Section I, Part C: The Bill of Rights. This topic also meets the NCSS Standard VI: Power, Authority, and Governance. Within this lesson plan students will be utilizing strategies and skills that have been proven to enhance and further student learning. Students will use the strategy of identifying similarities and differences. Robert J. Marzano states that this is a basic skill of human thought and a “core” skill to all learning.¹ Marzano also ascertains that by asking students to use this skill it will enhance the students’ understanding of and ability to use their knowledge of the topic.²

Another skill that will be utilized within this lesson plan is summarizing and note taking. With in this particular lesson plan students will focus on the summarizing piece of this skill. Marzano’s research shows that summarizing within an activity will provide students with the tools for identifying and understanding the most important aspects of what they are learning.³ By the end of this lesson plan students should be able to identify what the First Amendment is and it’s various parts, along with their feelings on the importance of the First Amendment and how it should

¹ Robert J. Marzano, “*Classroom Instruction that Works: Research Based Strategies for Increasing Student Achievement.*” Alexandria. Association for Supervision and Curriculum Development, 2001. pg. 14.

² Marzano, 15.

³ Marzano, 48.

be upheld. This lesson plan will set the foundation for student work with the next two lessons provided on the website.

The second lesson plan that can be found on the website will highlight key events during the McCarthy Era to help students understand initially why the First Amendment became a hot issue during this time period. This topic meets NYS U.S. History Curriculum Standard, Unit Six: The United States in an Age of Global Crisis: Responsibility and Cooperation, Section II: Peace with Problems 1945-1960. This topic also meets the NCSS Standard V: Individuals, Groups, and Institutions. Within this lesson plan students will be using several strategies that have proven results in terms of enhancing student learning. Students will again be using the summarizing and note taking strategy discussed within Lesson Plan 1. Students will also be using cooperative learning within Lesson Plan 2. Marzano explains the many benefits and many different ways cooperative learning can be used in the classroom, he states that of all the classroom grouping strategies cooperative learning is the most flexible and the most powerful.⁴

Within this lesson plan students will also have to use the strategies of generating and testing a hypothesis and creating non-linguistic representations. Both of these strategies are supported by Marzano's work as ones that will create and enhance student learning. Students should walk away from this individual and group lesson plan with a better understanding of how the First Amendment was violated for certain individuals during the McCarthy Era. This will be a building block for further learning within the topic.

⁴ Marzano, 91.

The third lesson plan that can be found on the website will focus on bridging the gap between the McCarthy Era and the era that created the Patriot Act in terms of what these events mean to First Amendment rights. This lesson will allow students to explore what the Patriot Act is and how it affects American society in the present day. This topic meets NYS U.S. History Curriculum Standard, Unit Seven, World in Uncertain Times, 1950 to Present. This topic also meets the NCSS Standard VI: Power, Authority, and Governance. Within this lesson plan students will be instructed to utilize several strategies that Robert Marzano has researched and proven to be useful in furthering their learning of the given topic. This lesson plan will again ask students to use the skill of identifying similarities and differences, this time through the creation of metaphors. Marzano states that by creating a metaphor, it will help students to realize that the two items in the metaphor are connected by an abstract or non-literal relationship.⁵ Another strategy that will be utilized by this lesson plan is the creation of non-linguistic representations. These representations of knowledge should be clear in the minds of the students and can be accomplished in a variety of ways.⁶ Students should walk away from this individual and group activity with a firm understanding of what the Patriot Act of 2001 was and what it entails. Students should also gain an appreciation for the various ways the Act can and does affect American society.

Overall, my hope is that by utilizing this website educators will have a research based resource on the issues within my topic. Teachers who are teaching the Cold War, but maybe not the Patriot Act, can use this as an outside source of

⁵ Marzano, 23.

⁶ Marzano, 73.

information or even an activity for their students as an extension of their class material. I have provided my research, sources, topics, lesson plan ideas, additional reading lists, and video clips in one website in order to thread my work together into one project. This topic has held my interest during the months of research and writing and come to conclusions I had not originally envisioned.

***From the Cold War to the War
on Terror: Affecting 1st
Amendment Rights in America***

Related Clips

YouTube Clip--1st
Amendment

<http://www.youtube.com/watch?v=rSpq2i8nK6Y>

YouTube Clip--The
Patriot Act

<http://www.youtube.com/watch?v=EEAikJogYMY>

***More Stuff
Related Links***

<http://www.firstamendmentcenter.org>

<http://www.firstamendmentschools.org>

<http://www.aclu.org/freespeech>

<http://www.moderntimes.com/huac/>

http://www.suite101.com/reference/cold_war_censorship

Home

Welcome to my site! This website is meant to help showcase research dealing with how the Cold War era affected 1st Amendment rights in America. The research will then bridge a gap between this time period to the 2000's in regards to how the Patriot Act and the Homeland Security Act have affected our 1st Amendment rights. On this site you can read my findings, access lists for additional readings, lesson plan ideas for students and more!

Key Topics Found in the Research:

- *The 1st Amendment
- *The Cold War
- *Communism
- *The Second Red Scare
- *McCarthyism
- *HUAC
- *The Patriot Act (2001)
- *Homeland Security Act (2002)
- *censorship

Attachments (8)

- Additional Recommended Readings.doc - on Dec 3, 2009 12:04 PM by jzambito@livoniacsd.org (version 1)
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Lesson Plan 1

What is the First Amendment?

This lesson will establish the importance of the First Amendment as well as clarify exactly what the First Amendment entails.

Materials needed:

- *Student copies of the First Amendment
- *TV or projector to show the class a YouTube Clip

Procedure:

1. Have students read through the First Amendment of the Constitution as individuals. Then show the class the YouTube clip on the First Amendment. This can be found on the homepage of the website. Ask students to individually write down what they think is the main concept behind the First Amendment.
2. Have students “think/pair/share” with a partner. What similarities do they find in their answers? What differences do they find?
3. Ask students to answer the following questions individually in paragraph form. These answers will establish a student’s frame of reference on the issue as we go through the unit’s topics and issues.
 - a. In what type of situations can/could the government be justified in suspending the 1st Amendment?
 - b. What are some possible instances in American history where you could guess the 1st Amendment was not upheld due to circumstance?
 - c. Does the 1st Amendment exist in schools? If yes, for whom? (teachers? Students? Administrators?)
 - d. Summarize your overall feelings on the importance of the 1st Amendment.

Students will walk away from this discussion and writing session with a clear sense of their opinion on the matter of the 1st Amendment and breaches against it. This will help them navigate their way through the remainder of the material.

Lesson Plan 2

The McCarthy Era and the 1st Amendment

This lesson will highlight key events during the “McCarthy Era” to help students understand initially why the 1st Amendment became a hot issue during this time period.

Materials needed:

*If you do not want to print out copies of the research for students to read you will need laptops/computers for students to access the document online. Given the nature of the assignment they do not need a hard copy, go green and have them read it on the computer!!

*poster board, construction paper, markers for the creation of their flow chart.

Procedure:

1. Students should read the research on the beginning of the Cold War and the McCarthy Era and how it impacted 1st Amendment rights in America. (See Link for Thesis Research Chapter One) ***This document is over 20 pages in length. You may want to pull out key passages for the students to read or “jigsaw” the reading among student groups.
2. As students are reading the information they should be taking notes for themselves on the main points of the research.
3. When students are finished reading and taking notes they should summarize the information they found in paragraph form.
4. Next step is to group students in groups of 3 or 4. Have each student share their paragraph on what they found in the research that connects the McCarthy Era to 1st Amendment rights in America.
5. Each group will create a flow chart on poster board that should represent the main ideas of how this era impacted 1st Amendment rights and what the end result of this was.
6. Have each group present their flow chart.
7. In a class discussion, compare and contrast the various conclusions each group presented.

Students should walk away from this individual and group activity with a firm understanding of how the 1st Amendment was violated for certain individuals during the McCarthy Era. This will be a building block for further learning within this topic and the extension of the topic as the unit progresses.

Lesson Plan 3

The Patriot Act

This lesson will allow students to explore what the Patriot Act entails and how it affects American society today.

Materials needed:

- *Information for students to access on the Patriot Act.
- *TV or projector to show the class a YouTube clip.
- *Materials for students to create a visual of their metaphor. They may need colorful paper, markers, colored pencils, etc. It will depend on how they want to create their visual.

Procedure:

1. Students should first brainstorm what they already know about the Patriot Act, what they have heard about it, and what their initial opinion of the issue is.
2. Use this brainstorm session to have a discussion in which you can clear up any misconceptions surrounding the Patriot Act.
3. Have students read the main part of the Patriot Act so that they may begin this lesson with a factual base of knowledge of the information.
4. As a class, watch the YouTube clip on the Patriot Act. This can be found on the home page of the website.
5. Have students each create a metaphor based on the following statement:
 - a. "The Patriot Act is to American privacy as _____ is to _____."
 - b. Once students have put their metaphor into words, ask them to put it into a picture, drawing, chart or other visual representation of their idea.
6. Once students have all had time to create and illustrate their metaphor have them share as a group. Students will be able to hear and visualize their classmates take on the Patriot Act which should lead nicely into a class discussion on the issue.

Students should walk away from this individual and group activity with a firm understanding of what the Patriot Act entails along with an appreciation for the various ways the Act can and does affect American society.

Additional Recommended Readings:

The McCarthy Era

McCarthyism, The Great American Red Scare: A Documentary History by Albert Fried

Hollywood on Trial: McCarthyism's War Against the Movies by Michael Freedland

The Age of Anxiety: McCarthyism to Terrorism by Haynes Johnson

The Politics of Fear: Joseph R. McCarthy and the Senate by Robert Griffith

The Patriot Act/Homeland Security

Living Under The Patriot Act: Educating A Society by Paul Ibbetson

How Patriotic is the Patriot Act?: Freedom Versus Security in the Age of Terrorism by Amitai Etzioni

America's Unpatriotic Acts: The Federal Government's Violation Of Constitutional And Civil Rights by Walter M. Brasch

The Patriot Act by Robin Polseno

The Dark Side by Jane Mayer

The USA Patriot Act: Preserving Life and Liberty

Homeland Security Act - 2002 by One Hundred Seventh Congress of the United States

The Homeland Security Act Of 2002: Legislation To Protect America (The Library of American Laws and Legal Principles) by Steven P. Olson

Terrorism and Homeland Security: An Introduction by Jonathan R. White